

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ROCKWELL AUTOMATION  
TECHNOLOGIES, INC.,

*Plaintiff,*

v.

SECURE CROSSING RESEARCH  
& DEVELOPMENT INC.,

*Defendant.*

Case No. 2:12-cv-10274-GCS-MKM

Honorable George Caram Steeh

**SUPPLEMENT TO  
DEFENDANT'S MOTION TO  
QUASH OR, IN THE  
ALTERNATIVE, FOR  
PROTECTIVE ORDER AND  
REQUEST FOR EMERGENCY  
TELEPHONIC CONFERENCE**

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Defendant filed its Motion to Quash or, in the alternative, for Protective Order, and Brief in Support, on January 17, 2013 (the “Motion”). Dkt. No. 68. The Motion was filed in connection with subpoenas issued by Plaintiff to non-party Chris Buechler seeking documents and testimony in this case (the “Subpoenas”). Mr. Buechler is located in Texas. On January 22, 2013, the Court issued a notice that the Motion, pursuant to Local Rule 7.1(f)(2), will be determined by Magistrate Judge Mona K. Majzoub without oral argument, and that response and reply briefs shall be filed in accordance with Local Rule 7.1(e). Dkt. No. 71. In addition, the Court is requiring that a joint statement of resolved and unresolved issues be filed on or before February 28, 2013. Dkt. No. 71.

On January 22, 2013, counsel for Defendant received an email from a Texas law firm attaching a copy of an “Unopposed Motion to Compel Discovery” filed in an action in the Western District of Texas that identifies Rockwell as the Plaintiff in that matter and Mr. Buechler as the Defendant. See “Unopposed Motion to Compel Discovery”, attached as Exhibit A. That action was, according to PACER, filed yesterday, January 22, 2013, for the sole purpose of “compelling” compliance with the Subpoenas to Mr. Buechler in this case. Unbelievably, Plaintiff (through its counsel) did NOT reference Defendant Secure Crossing as an interested party, did NOT notify the Texas court that the Motion has been filed with this Court in connection with the Subpoenas, and did NOT notify the Texas court that Defendant clearly opposes any such order.

This most recent move clearly evidences what Defendant has been saying all along. This case is not about patent infringement, but is solely Plaintiff’s most recent

effort to acquire Defendant's confidential and proprietary information for its own use. Fraud has been committed on this Court and on the court in Texas.

**CONCLUSION**

For the above-stated reasons, and the additional reasons set forth in the Motion to Quash or, in the alternative, for a Protective Order, Defendant respectfully requests that this Court enter an order restraining Mr. Buechler from responding in any manner to the Subpoenas absent further order of this Court, and for the scheduling of an emergency telephonic conference regarding the issue.

Respectfully submitted,

Dated: January 23, 2013

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 23, 2013, I electronically filed the foregoing *Supplement to Defendant's Motion to Quash or, in the alternative, for Protective Order and ?Request for Emergency Telephonic Conference* with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record.

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